



Commonwealth of Massachusetts  
**Board of Registration  
of  
Hazardous Waste Site Cleanup Professionals**

MINUTES  
**SPECIAL BOARD MEETING FOR PUBLIC HEARING**

**April 13, 2010**

Meeting Location: Department of Environmental Protection  
627 Main Street  
Worcester, Mass.

Prepared by: L.P. Read

[Approved: August 10, 2010]

1. **Call to Order:** Robert Luhrs, serving as moderator, called the hearing to order at 10:30 a.m. Other Board members present were Gail Batchelder, Deborah Farnsworth, Kirk Franklin, Gretchen Latowsky, Jack Guswa, Robert Luhrs, Kelley Race, and Debra Stake. Christophe Henry was absent. The staff members present were Terry Wood, Lynn Read, and Allen Wyman. Also present were Joel Loitherstein, attorney Cheryl Waterhouse, Karen Spilka, and Larry Feldman, and from the LSP Association Andrew Irwin and Wesley Stimpson.
2. **Hearing on Discipline to be Imposed in Disciplinary Case Nos. 99C-11 and 00C-14**
  - A. **Purpose of Today's Hearing:** Mr. Luhrs stated that the purpose of the hearing before the Board today is to give Mr. Loitherstein an opportunity to address the Board regarding the discipline to be imposed in this matter. Mr. Loitherstein had requested to argue orally before the Board. The Board granted Mr. Loitherstein's request pursuant to the Board's regulations at 309 CMR 7.10(3).
  - B. **Procedural Rules:**

Mr. Luhrs announced the following procedural rules:

    1. Acting as the Chief Presiding Officer, Mr. Luhrs shall direct the conduct of the hearing.
    2. Mr. Loitherstein may address the board for a maximum of 30 minutes.

3. Ms. Wood may address the Board in response to the remarks by Mr. Loitherstein.
4. The Board members may, with the permission of Mr. Luhrs, question Mr. Loitherstein or Ms. Wood.
5. The hearing will be tape-recorded by the Board.
6. The Board will issue a written decision after meeting in quasi-judicial session after the conclusion of the hearing.

**C. Opening Statement:** Ms. Waterhouse introduced Mr. Loitherstein and provided an opening statement.

**D. Presentation of Remarks:**

Mr. Loitherstein presented oral argument for 30 minutes, reviewing the work he had performed at the seven sites at issue in the Final Order and stating why, in his view, the discipline to be imposed should not be the revocation of his license that Ms. Wood advocated in her brief on discipline.

Ms. Wood then presented a response of approximately five minutes to Mr. Loitherstein's remarks.

Thereafter, Mr. Loitherstein presented a rebuttal of approximately one minute to Ms. Wood's remarks.

**E. Next Steps:** Mr. Luhrs announced that the hearing had concluded and that the Board would issue a written decision.

The entire hearing was tape-recorded, beginning with the call to order.

3. **Adjournment:** The special meeting for the public hearing was adjourned at approximately 11:18 a.m.